

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1815

S.P. 616

In Senate, April 17, 1997

An Act to Enhance the State's Work Force Development System.

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CATHCART of Penobscot.
Cosponsored by Representative HATCH of Skowhegan and
Senators: MILLS of Somerset, TREAT of Kennebec, Representatives: BOLDUC of Auburn,
CLARK of Millinocket, JOY of Crystal, RINES of Wiscasset, STANLEY of Medway.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1.** 5 MRSA §12004-J, sub-§1, as amended by PL 1989, c. 49,
§3, is repealed.

6 **Sec. 2.** 5 MRSA §12004-L, sub-§3, as enacted by PL 1987, c.
8 786, §5, is repealed.

10 **Sec. 3.** 5 MRSA §12004-L, sub-§8, as enacted by PL 1993, c.
12 381, §9, is repealed.

14 **Sec. 4.** 20-A MRSA §12707, as amended by PL 1991, c. 716, §7,
is repealed.

16 **Sec. 5.** 26 MRSA §799, as amended by PL 1989, c. 49, §4, is
repealed.

18 **Sec. 6.** 26 MRSA §800, as amended by PL 1993, c. 600, Pt. A,
20 §20, is repealed.

22 **Sec. 7.** 26 MRSA §801, as amended by PL 1993, c. 600, Pt. A,
§§21 and 22, is repealed.

24 **Sec. 8.** 26 MRSA §802, as amended by PL 1985, c. 785, Pt. B,
26 §116, is repealed.

28 **Sec. 9.** 26 MRSA c. 11, sub-c. I, as amended, is repealed.

30 **Sec. 10.** 26 MRSA §1452, as amended by PL 1995, c. 560, Pt. G,
§16 and affected by §29, is repealed and the following enacted in
32 its place:

34 §1452. Coordination of Maine occupational information

36 Oversight of the duties and responsibilities outlined in
section 1453 is the responsibility of the Maine Jobs Council.

38 **Sec. 11.** 26 MRSA §2005, as amended by PL 1989, c. 878, Pt. A,
40 §73, is repealed.

42 **Sec. 12.** 26 MRSA §2006 is enacted to read:

44 §2006. Establishment of Maine Jobs Council

46 1. Responsibilities. The Maine Jobs Council is established
and in this section is referred to as the "council." The council
will ensure that the State's workforce development system helps
Maine people and businesses compete successfully in the global
economy. Specific responsibilities include but are not limited
50 to:

2 A. Performing all of the duties and responsibilities of the
3 State Human Resource Investment Council as defined in the
4 United States Job Training Partnership Act, United States
5 Code, Title 29, Section 1792;

6 B. Recommending to the Governor an annual state workforce
7 development plan designed to maximize utilization and
8 effectiveness of state workforce development services;

9 C. Monitoring agency and system-wide strategic goals
10 concerning workforce development and evaluating progress
11 toward meeting those goals;

12 D. Providing recommendations to the Governor and the
13 Legislature that would improve system effectiveness and
14 reduce system fragmentation; and

15 E. Creating greater coordination between economic
16 development and human resource development agencies and
17 programs.

18 2. Membership. The council consists of members appointed
19 by the Governor.

20 A. If the State has received a waiver under the Omnibus
21 Appropriations Act, 1997, United States Department of Labor
22 Appropriations, federal Public Law 104-208, Section 105, 35%
23 of the appointments must represent business and industry and
24 35% of the appointments must represent employees, with no
25 less than 15% of this number representing organized labor.
26 The remaining 30% must represent the general public.

27 B. If the State has not received a waiver under the Omnibus
28 Appropriations Act, 1997, United States Department of Labor
29 Appropriations, federal Public Law 104-208, Section 105,
30 appointments must be made consistent with the representation
31 requirements of the United States Job Training Partnership
32 Act, United States Code, Title 29, Section 1792a, including
33 representatives from business and industry, organized labor,
34 state agencies responsible for human resource programs and
35 educational and community-based institutions.

36 The Governor shall ensure that the council and its technical
37 support group have sufficient expertise to effectively carry out
38 the duties and functions of the council.

39 3. Terms of members. One third of the initial appointees
40 shall serve for a one-year term, 1/3 of the initial appointees

2 shall serve for a 2-year term and 1/3 shall serve for a 3-year
3 term. All subsequent appointees shall serve 3-year terms.

4 4. Chair and vice-chair. The Governor shall appoint a
5 chair and vice-chair from the membership of the council to serve
6 for a one-year term. The Governor may reappoint members to serve
7 as chair or vice-chair.

8
9 5. Functions and duties of the council. The council shall
10 carry out the following duties:

11 A. Identify, in cooperation with business groups,
12 educational institutions, state agencies and other
13 interested parties, the workforce development needs
14 throughout the State;

15
16 B. Assess the extent to which federal, state and local
17 workforce development programs represent a consistent,
18 integrated and coordinated approach to delivery of those
19 services;

20
21 C. Review the operation of programs identified in the state
22 plan to determine the responsiveness, adequacy and
23 coordination of those programs. Based on this review, the
24 council shall make recommendations to the Governor and the
25 Legislature on ways to improve the effectiveness of those
26 programs;

27
28 D. Prepare an annual report for the Governor and
29 Legislature and issue other studies, reports or documents
30 necessary to carry out the purposes of this section;

31
32 E. Assume the responsibilities of the former State
33 Apprenticeship and Training Council;

34
35 F. Ensure coordination and efficient delivery of Maine
36 workforce programs based on the State's career and
37 occupation information;

38
39 G. Evaluate methods for strengthening vocational education
40 and fostering private sector initiatives to modernize
41 vocational education programs;

42
43 H. Analyze the distribution of spending for vocational
44 education;

45
46 I. Emphasize and assess the participation of local
47 employers and labor unions in the provision of vocational
48 education;

49
50

2 J. Assess equal access to vocational programs;

4 K. Advise, consult and assist the Governor and the
Legislature on activities that affect the employment of
people with disabilities;

6 L. Promote and assist activities that increase equal
opportunity for people with disabilities;

8 M. Advise and assist employers and other organizations
interested in developing employment opportunities for
disabled people;

10 N. Encourage and monitor building accessibility for people
with disabilities and advise and assist building owners
through dissemination of information and technical
assistance;

12 O. Provide oversight and support to the state enterprise
option program, which helps unemployed individuals develop
small businesses;

14 P. Evaluate workforce services available to small
businesses and micro-enterprises and recommend ways to
improve those services;

16 Q. Provide oversight and policy recommendations on the
school-to-work system, as well as operational oversight and
interagency coordination of the system; and

18 R. Promote the continued involvement in school-to-work
system development of business and industry, organized
labor, state agencies and other interested parties.

20 6. Powers. The council shall have the necessary authority
to carry out the purposes of this section.

22 7. Committee structure. The council has the following
committee structure.

24 A. The council shall create 4 standing committees of up to
12 members. Each standing committee may include up to 4
noncouncil members appointed by the council chair and drawn
from the same constituency groups as the council's
membership. The standing committees shall make
recommendations to the full council. The 4 standing
committees are as follows:

26 (1) Apprenticeship, with its membership divided evenly
among representatives from business and industry, labor

2 and the public. The council, through its Standing
3 Subcommittee on Apprenticeship, will function as the
4 State Apprenticeship Council based on the
5 Apprenticeship Council's existing or successor language.

6 (2) School-to-work;

8 (3) Employment of people with disabilities; and

10 (4) Women's employment issues.

12 B. The council may also create additional committees to
13 address specific problems and issues. These committees may
14 consist of up to 12 members and may include up to 4
15 noncouncil members appointed by the council chair and drawn
16 from the same constituency groups as the council's
17 membership. These committees shall make recommendations to
18 the full council.

20 C. The Governor shall appoint members to a technical
21 support group to assist the council in the performance of
22 its duties and responsibilities. The Governor shall appoint
23 persons to serve on the support group for 3-year terms. The
24 services provided by the State's various workforce
25 organizations must be fairly represented in the support
26 group. Organizations with representation on the support
27 group may include, but are not limited to:

28 (1) The Job Training Partnership Act Service Delivery
29 Areas;

32 (2) Adult education;

34 (3) School-to-work;

36 (4) Providers that specialize in women's workforce
37 issues;

38 (5) Rehabilitation providers;

40 (6) Welfare-to-work;

42 (7) The University of Maine System;

44 (8) The Maine Technical College System;

46 (9) Applied technology centers;

48 (10) The Department of Economic and Community
49 Development, the Department of Education, the

2 Department of Human Services, the Department of Labor
3 and the State Planning Office.

4 8. Meetings. The council shall meet at such times and such
5 places as it considers necessary. The meetings must be publicly
6 announced and open to the general public. A majority of members
7 of the council constitutes a quorum for the transaction of
8 business.

9 9. Administration. The Department of Education and the
10 Department of Labor shall jointly administer the council. The
11 Department of Labor is the fiscal agent for the council.
12 Pursuant to the Commissioner of Labor's authority under section
13 1401-B and to the Commissioner of Education's authority under
14 Title 20-A, section 253, subsection 2, the Commissioner of Labor
15 and the Commissioner of Education may designate employees they
16 consider necessary to carry out the State's responsibility under
17 this section.

18 The Commissioner of Education and the Commissioner of Labor are
19 authorized to adopt joint rules as may be necessary to carry out
20 the State's responsibility under this section. Rules adopted
21 pursuant to this subsection are routine technical rules as
22 defined in Title 5, chapter 375, subchapter II-A.

23 The council shall establish bylaws for its governance. These
24 bylaws are subject to the Governor's approval.

25 10. Compensation. Members of the council receive no
26 compensation for their services. Reimbursement of necessary
27 expenditures incurred in the performance of their duties on the
28 council, which are allowed by state law, are administered by the
29 Department of Labor from federal or state appropriations.

30 **Sec. 13. Transition.** Effective January 1, 1998, the Maine
31 Jobs Council is the successor to the powers, duties and functions
32 of the following councils:

- 33 1. The Governor's Committee on Employment of People with
34 Disabilities;
- 35 2. The Maine Council on Vocational Education;
- 36 3. The Maine Enterprise Option Advisory Committee;
- 37 4. The Maine Human Resource Development Council;
- 38 5. The Maine Occupational Information Coordinating
39 Committee;

6. The School-to-Work CO2 Executive Committee;
7. The School-to-Work CO2 Delegate Agency Council;
8. The School-to-Work CO2 Steering Committee; and
9. The State Apprenticeship Council.

SUMMARY

This bill combines 9 existing workforce councils into one Maine Jobs Council. The council's purpose is to provide ongoing oversight of Maine's workforce development system and to make ongoing recommendations to the Governor and the Legislature on ways to improve that system. The 9 organizations collapsed into the new Maine Jobs Council are: The Governor's Committee on Employment of People with Disabilities, the Maine Council on Vocational Education, the Maine Enterprise Option Advisory Committee, the Maine Human Resource Development Council, the Maine Occupational Information Coordinating Committee, the School-to-Work CO2 Executive Committee, the School-to-Work CO2 Delegate Agency Council, the School-to-Work CO2 Steering Committee and the State Apprenticeship Council.